

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

HASSIE-DEMOND NOWLIN,)
)
)
)
Plaintiff,)
v.)
)
)
)
AVIS BUDGET GROUP,)
)
)
Defendant.)

1:11CV511

O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on December 22, 2011, was served on the parties in this action. Plaintiff filed a pleading entitled “Plaintiff’s Memorandum in Opposition to Defendants’ Motion to Dismiss” [Docket No. 15], which the Court will treat as an objection to the Recommendation.

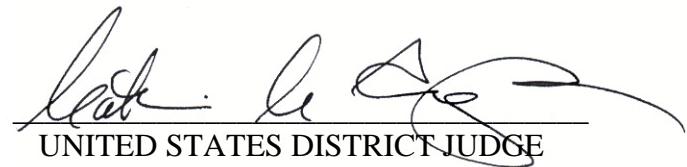
The Court has reviewed the portions of the Magistrate Judge’s report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge’s report. The Court accepts and adopts the Magistrate Judge’s recommendation in full.

While the Court agrees with the plaintiff that the defendant’s assertions in a brief that it had a proper purpose should not be considered at the Rule 12(b)(6) stage, that does not address the underlying problem: the complaint does not meet the specificity standards set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). The plaintiff has not alleged any facts to support his assertions that the defendant acted “without

permissible purpose," nor has he set forth any facts supporting, as it relates to Count I, the assertion of willfulness or, as it relates to Count II, his assertion of actual damages.

IT IS THEREFORE ORDERED that the Motion to Dismiss [Docket No. 10] is **GRANTED** and the Plaintiff's complaint [Docket No. 2] be, and the same is hereby, **DISMISSED**. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 24th day of January, 2012.



The image shows a handwritten signature in black ink, appearing to read "Leah S. Coyle". Below the signature, the text "UNITED STATES DISTRICT JUDGE" is printed in a standard font.